

MARQUETTE COUNTY BOARD OF SUPERVISORS

WebEx Remote/Virtual and County Board Room of the Services Center
May 20, 2025

Pursuant to notice duly given in the manner established by the Board of Supervisors and in compliance with Sub-Chapter V of Chapter 19 of the Wisconsin Statutes, a lawfully held regular meeting of the Board of Supervisors of the County of Marquette, Wisconsin was called to order by Chairperson Borzick at 7:00 p.m. on May 20, 2025, at Montello, Wisconsin, at the time and place established by the Board of Supervisors or in accordance with law.

The Clerk electronically called the roll and the following members answered roll call:

District No. 1 Abby Swan (virtual)
District No. 2 Dennis Fenner
District No. 3 David Krentz
District No. 4 John Bennett (present at 7:02 p.m.)
District No. 5 Kathy Jo Locke
District No. 6 David Benson
District No. 7 Ken Borzick
District No. 8 Mike Raddatz (absent)
District No. 9 Gary Sorensen
District No. 10 Mary P. Walters
District No. 11 Lance Achterberg
District No. 12 Chuck Bornhoeft
District No. 13 Kathleen McGwin
District No. 14 Jeff Frazer
District No. 15 Peggy Krause
District No. 16 Scott Kempley
District No. 17 Judi Nigbor

A quorum of the Board of Supervisors was declared present and open meetings law compliance was established.

Also present were Administrator Ron Barger and Corporation Counsel Natalie Bussan.

A moment of silence was observed followed by the reciting of the Pledge of Allegiance.

Chairperson Borzick announced there were requests to move agenda item 7(A) and 7(B) to the bottom of the Annual Reports list, as well as add item 7(J) Buildings and Grounds to the Annual Reports list.

Motion/second by Bornhoeft/Benson to amend the agenda by moving agenda item 7(A) and 7(B) to the bottom of the Annual Reports list, as well as add item 7(J) Buildings and Grounds to the Annual Reports list. Motion carried.

Motion/second by Benson/Locke to approve the amended agenda. Motion carried.

Motion/second by Bornhoeft/Walters to approve the minutes of the April 15, 2025 meeting as printed. Motion carried.

Chairperson Borzick announced Michelle LaPorte was unable to attend the meeting in person, so the Certificate of Appreciation would be mailed to her to acknowledge her years of Service within the Human Services Department.

The chairperson of the respective standing committees gave committee reports. Supervisor Sorensen shared a Causeway Fiber Installation Video produced by Marquette Adams. Supervisor McGwin presented a 5-minute Marquette County "This Is Who We Are- Memorial Day" History Video.

The following departments and Department Heads presented their 2024 Annual Reports:

Human Services- Mandy Stanley, Highway- Brian Trebiatowski, Planning, Zoning & Land Information- Jean Potter and Megan Stalker, CVSO- Kris Bergh, Clerk of Court- Shari Rudolph, Emergency Management- Lt. Aaron Williams, IT/MIS- Dan Buchholz, Buildings & Grounds- Paul Van Treeck, Land & Water- Pat Kilbey, and Parks & Rural Planning- Pat Kilbey.

Motion/second by Benson/Fenner to place the presented Annual Reports on file. Motion carried.

Motion/second by Benson/Benson to approve the consent agenda under agenda item #9 adopting Resolutions 29-2025 through 33-2025 and to confirm the appointments of Tim Jozwiak (citizen rep), Ken Borzick (board rep), and Chuck Bornhoeft (board rep) to the Human Services Board with their terms to expire 5/2028, the appointment of Kathy Grant (citizen rep), Peggy Krause (board rep), and Mary Walters (board rep) to the ADRC Advisory Committee with their terms to expire 5/2028, the appointment of Gerald Hebert (citizen) to the Veterans Service Commission with the term to expire 6/2028, and the appointment of Gary Douda (business citizen rep) to the Parks and Rural Planning Committee with the term to expire 7/2027. Motion carried. (Supervisor Bornhoeft abstained).

Resolution No. 29-2025 ZONING AMENDMENT- TOWN OF NEWTON

(Introduced by Dave Benson AND John Bennett)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for the use allowed in the Agricultural Residential District zoning classification.
2. The rezoning will not substantially impair or limit current or future use of adjacent lands.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the rural lands component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

6.0 acres, more or less, to AG-3(5) described as being located in the Southwest corner of the North 35 acres of the Southwest quarter of the Northeast quarter; all in Section 14, T17N R09E, Town of Newton, Marquette County, WI.

Resolution No. 30-2025 ZONING AMENDMENT- TOWN OF BUFFALO
(Introduced by Dave Benson AND John Bennett)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for a use not allowed in the AG-1 district.
2. The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the farmland preservation plan component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

4.0 acres, more or less, to AG-3(2) described as being part of the northwest quarter of the southeast quarter and part of the northeast quarter of the southwest quarter; 4.0 acres, more or less, to AG-3(4) described as being part of the northwest quarter of the southeast quarter; and 35.13 acres, more or less, to FPO described as being part of the northwest quarter of the southeast quarter; totaling 43.13 acres; all in Section 23, T14N R10E, Town of Buffalo, Marquette County, WI.

Resolution No. 31-2025 ZONING AMENDMENT- TOWN OF BUFFALO
(Introduced by Kathy Jo Locke AND John Bennett)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Zoning Ordinance, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for a use not allowed in the AG-1 district.
2. The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the farmland preservation plan component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

The Marquette County Code of Ordinances Chapter 70 – Zoning and the accompanying map are amended in the following respect:

3.35 acres, more or less, to AG-3(2) and 16.10 acres, more or less, to FPO described as the south half of the southeast quarter of the northeast quarter and 20.55 acres, more or less, to FPO, described as the southwest quarter of the northeast quarter, less and except, lot 1, certified survey map No. 3378; totaling 40.00 acres; all in Section 18, T14N R10E, Town of Buffalo, Marquette County, WI.

Resolution No. 32-2025 RESOLUTION DECLARING WORLD MIGRATORY BIRD DAY (Formerly recognized as International Migratory Bird Day)

(Introduced by Ken Borzick AND Kathleen McGwin)

WHEREAS, migratory birds are some of the most beautiful and easily observed wildlife that share our communities, and

WHEREAS, many citizens recognize and welcome migratory songbirds as symbolic harbingers of spring, and

WHEREAS, these migrant species also play an important economic role in our community, controlling insect pests and generating millions in recreational dollars statewide, and

WHEREAS, migratory birds and their habitats are declining throughout the Americas, facing a growing number of threats on their migration routes and in both their summer and winter homes, and

WHEREAS, public awareness and concern are crucial components of migratory bird conservation, and

WHEREAS, citizens enthusiastic about birds, and informed about the threats they face, and empowered to help address those threats can directly contribute to maintaining healthy bird populations, and

WHEREAS, since 1993 World Migratory Bird Day (WMBD) has become a primary vehicle for focusing public attention on the nearly 350 species that travel between nesting habitats in our communities and throughout North America and their wintering grounds in South and Central America, Mexico, the Caribbean, and the southern U.S., and

WHEREAS, hundreds of thousands of people will observe WMBD, gathering in town squares, community centers, schools, parks, nature centers, and wildlife refuges to learn about birds, take action to conserve them, and simply to have fun, and

WHEREAS, while WMBD officially is held each year on the second Saturday in May, its observance is not limited to a single day, and planners are encouraged to schedule activities on the dates best suited to the presence of both migrants and celebrants, and

WHEREAS, WMBD is not only a day to foster appreciation for wild birds and to celebrate and support migratory bird conservation, but also a call to action.

NOW THEREFORE IT BE RESOLVED, that the Marquette County Board of Supervisors of Wisconsin do hereby declare **both Saturday, May 10th, 2025, AND Saturday May 9th 2026**, as World Migratory Bird Day in the County of Marquette and pledges to do so every year to show our continued support. The County of Marquette also urges all Citizens to celebrate this observance and to support efforts to protect and conserve migratory birds and their habitats in our Community and the world at large.

Resolution No. 33-2025 RESOLUTION TO SUPPORT KNOWLES-NELSON STEWARDSHIP PROGRAM

(Introduced by Ken Borzick AND Kathleen McGwin)

WHEREAS, the Wisconsin Legislature created the Knowles-Nelson Stewardship Program in 1989 to preserve valuable natural areas and wildlife habitat, protect water quality and fisheries, and expand opportunities for outdoor recreation. Per Ch. 23 .09 I 5(2c)(d), Wis. Stats., and

WHEREAS, the Knowles-Nelson Stewardship Program is set to expire in 2025. The program has supported capital development and land acquisition by the Wisconsin Department of Natural Resources, local governments, and nonprofit conservation organizations to preserve valuable natural areas and wildlife habitat, protect water quality and expand outdoor recreation for public and economic benefit around the state, and

WHEREAS, Marquette County has directly benefited over the years having received almost \$10 million in Stewardship grant funds for 97 projects, and

WHEREAS, Marquette County, which includes designated Ice Age Trail segments, understands the importance of the Ice Age National Scenic Trail in driving tourism and economic growth in its communities and surrounding areas and supports efforts to complete the Trail which will require Stewardship funding, and

WHEREAS, the Marquette County Board of Supervisors considers the Knowles-Nelson Stewardship Program a valuable tool to preserve and restore natural areas, wildlife habitat, and water quality while supporting the development of nature-based public outdoor activities including hunting, fishing, boating, hiking, and other recreation opportunities that promote economic development and enhance quality of life, and

WHEREAS, it is the intent of the Marquette County Board of Supervisors to express our support to our State Legislators and the Governor of the reauthorization of the Knowles-Nelson Stewardship Program in 2025 to fully fund projects over the next 10 years.

NOW THEREFORE, BE IT RESOLVED, that the Marquette County Board of Supervisors does hereby express to the Wisconsin Legislature and Governor our full support for the reauthorization of the Knowles-Nelson Stewardship Program and request it be fully funded annually to support projects over the next 10-year period.

BE IT FURTHER RESOLVED, that the Marquette County Board of Supervisors directs the Marquette County Clerk to forward a copy of this resolution to the offices of each of our elected State Legislators and the Office of the Governor.

Separate consideration of resolutions per agenda item #10.

**Resolution No. 34-2025 CONFIRMING AND RATIFYING THE AUTHORITY OF COUNSEL FOR
MARQUETTE COUNTY TO ADD ADDITIONAL DEFENDANTS TO OPIOID LITIGATION, INCLUDING
IN MDL 2804**

(Introduced by Dave Benson AND Mary Walters)

Upon roll call Resolution No. 34-2025 was adopted as follows: Ayes 16; Noes 0; Absent 1

WHEREAS, the County Board of Supervisors previously authorized the County to enter into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) to pursue litigation against manufacturers, distributors, and retailers, among others, of opioid pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants responsible for the opioid epidemic in the County’s community;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants;

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the “Litigation”);

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation;

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County’s case for trial and engage in settlement discussions with the Opioid Defendants;

WHEREAS, to date, through nationwide settlements, the Law Firms have achieved considerable success on behalf of the County in holding the Opioid Defendants responsible for their role in creating or maintaining the opioid epidemic;

WHEREAS, through the course of ongoing discovery and investigation concerning the opioid epidemic and parties potentially responsible therefore, it was determined that meritorious opioid-related claims exist against additional parties, including but not limited to the entities listed on Exhibit A hereto, and that they should be added as defendants in the Litigation;

WHEREAS, the engagement agreement with the Law Firms provides “depending upon the results of initial investigations of the facts and circumstances surrounding the potential claim(s), there may be additional parties sought to be made responsible;”

WHEREAS, while the County believes the engagement agreement with the Law Firms provided the Law Firms with adequate authority to add additional parties to be held responsible, the County understands that recently those parties questioned that authority, and therefore, for the avoidance of doubt, the County is adopting this Resolution confirming and ratifying the Law Firms’ authority to add additional parties, including but not limited to the entities listed on Exhibit A, as defendants in the Litigation;

WHEREAS, to avoid any confusion surrounding the County’s authorization to the Law Firms to amend the pleadings in the Litigation to include additional parties, including but not limited to the entities listed on Exhibit A as named defendants in MDL 2804, this Resolution is intended to serve as confirmation and ratification of such authorization; and

WHEREAS, the County, by this Resolution, intends to confirm and ratify the authority of the Law Firms to amend the pleadings in the Litigation to add additional parties, including but not limited to the entitles listed on Exhibit A as defendants in MDL 2804, or to commence appropriate federal or state court proceedings against such entities, and further intends to authorize Corporation Counsel to execute and deliver any and all other and further documents necessary to effectuate the intent of this resolution;

NOW, THEREFORE, BE IT RESOLVED: the Marquette County Board of Supervisors hereby confirms and ratifies the authority of:

- 1. The Law Firms to file appropriate pleadings in MDL 2804 or appropriate federal or state court proceedings to add additional parties, including but not limited to the entitles listed on Exhibit A as defendants.
- 2. The Corporation Counsel, Board Chair or other authorized official to execute and deliver any and all other and further documents necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Marquette County Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed, and approved

Resolution No. 35-2025 RESOLUTION TO AMEND THE MARQUETTE COUNTY CODE OF ORDINANCES- CHAPTER 53- ANIMAL CONTROL

(Introduced by Kathleen McGwin AND Dennis Fenner)
Upon roll call Resolution No. 35-2025 was adopted as follows: Ayes 15; Noes 1; Absent 1
(Noes: Swan)

WHEREAS, the Executive and Finance Committee was presented with surrounding county dog license fee comparison data, and

WHEREAS, the Executive and Finance Committee determined that it was in the best interest of the county to raise the fee beyond the statutory minimum described in 174.05 Wis. Stat. of \$3 for neutered/spayed dogs and \$8 for unneutered/unspayed dogs, in order to be comparable with surrounding counties, and

WHEREAS, 174.05(3) Wis. Stat. allows for the county to raise the minimum dog license tax on dogs within its jurisdiction by majority vote through resolution, and

WHEREAS, the Executive and Finance Committee recommends that the current license fees for both neutered/spayed and unneutered/unspayed dogs be increased by \$3, making the new fees \$6 for neutered/spayed dogs and \$11 for unneutered/unspayed dogs, and

NOW THEREFORE BE IT RESOLVED, the Marquette County Board of Supervisors hereby amends a portion of the Marquette County Code of Ordinances- Chapter 53- Animal Control- Section 53.09 A to read as follows:

A. Dog License. Except as provided in § 174.054, Wis. Stats., the owner of a dog more than five (5) months of age on January 1st of any year or five (5) months of age within the license year shall annually on or before the date the dog becomes five (5) months of age pay the dog license fee ~~as provided in § 174.05, Wis. Stats.~~ as adopted by the county, of \$6 for neutered/spayed dogs and \$11 for unneutered/unspayed dogs, and obtain a dog license.

BE IT FURTHER RESOLVED, this fee goes into effect January 1, 2026.

The fiscal and personnel reports, grant updates, and correspondence were reviewed as presented by Administrator Barger. Administrator Barger reported the borrowing funds were received May 12th, 2025. He reported strategic planning would continue in June, and shared the preliminary results of the May workshops showed an emphasis on the topics of tourism and fiscal management.

Corporation Counsel Natalie Bussan shared her April report. Natalie reported she would be resigning her role of Corporation Counsel June 30th, 2025.

Calendar planning was reviewed for the June 2025 meetings. Reminder that the second session of Annual Reports is set for May 29th at 6:00 p.m. It was noted the E-waste event will be August 9, 2025, 8am-12pm at the Westfield Highway Shop. The meeting was declared adjourned subject to the call of the Chairperson. The meeting was adjourned at 9:00 p.m.

CERTIFICATE
STATE OF WISCONSIN)
) SS
County of Marquette)

I, Kiley Lloyd, County Clerk in and for Marquette County, Wisconsin, do hereby certify that the foregoing is a true copy of the proceedings of the County Board of Supervisors of said County at their meeting held in-person and remotely by using WebEx by me as such officer.

Kiley Lloyd, County Clerk